IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 1191 OF 1984

M/s.Baroda Rayon Corporation Ltd. ...Plaintiffs
V/s.
M/s.Sadhana Textile Mills P.Ltd. & Anr. ...Defendants

Mr.Abhishek Sharma i/b. M/s.Wadia Ghandy & Co. for Plaintiffs.
None for Defendants.

CORAM : A.S. AGUIAR, J.
DATED : SEPTEMBER 15, 2005

P.C. :-

. Mr.Sharma appears for plaintiffs. None for defendant no.2 though served. Affidavit proving service upon defendant is on record. So far as defendant no.1 is concerned, there is already a decree passed pursuant to the Minutes of Order filed dated 26th March, 1985.

2. Since defendant no.2 is not present nor any written statement filed by defendant no.2, there will be decree against the said defendant in favour of the plaintiffs under Order VIII Rule 10 of CPC in terms of prayer clause (a).

3. At this stage, learned Advocate for the

plaintiffs points out that under the Decree dated 26th July, 1984, plaintiffs have received the sum of Rs.15,000/- from defendant no.1.

4. In view thereof, credit to be given to the defendants for the said amount. Suit to stand disposed of. No order as to costs. Refund as per Rules.

. Certified copy expedited.

(A.S. Aguiar, J.)